

Attorney Docket: 01315
U.S. Application No.: 10/026,835 Examiner: Van Handel Art Unit: 2623
Response to June 28, 2007 Final Office Action

REMARKS

In response to the final Office Action dated June 28, 2007, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Rejection of Claims under § 112

The Office rejected claims 21, 25, and 45-47 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. These claims have been canceled, so the rejection is moot.

Rejection of Claims under § 102 (e)

Claims 23-24, 27-28, 32-35, 39-44, and 47 were rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent Application Publication 2002/0046099 to Frengut, *et al.* These claims have been canceled, so the rejection is moot.

Rejection of Claims under § 103 (a)

The Office rejected claims 1, 4-11, 13-18, 21, and 45-46 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2002/0144259 to Gutta, *et al.* (hereinafter "*Gutta '259*") in view of U.S. Patent Application Publication 2002/0194586 to Gutta, *et al.* (hereinafter "*Gutta '586*"). Claims 19, 20, and 22 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Gutta '259* in view of *Gutta '586* and further in view of *Frengut*. Claims 25-26 and 29-31 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Frengut* in view of *Gutta '259*. Claim 36 was rejected under 35 U.S.C. § 103 (a) as being obvious over *Frengut* in view of U.S. Patent 6,025,869 to Stas, *et al.* Claims 37-38 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Frengut* in view of *Gutta '586*.

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All these claims, however, have been canceled, so the rejections are moot.

New Claims 48-77

This response presents new claims 48-77. Claims 48-77 replace claims 1-44, which have been, or were previously, canceled without prejudice or disclaimer. Because new claims 48-77 are less in number and replace claims 1-44, no excess claim fees are due.

New claims 48-77 cannot be anticipated or obviated by the cited documents. These claims recite, or incorporate, features that are not taught or suggested by *Fengut, Gutta '259*, *Gutta '586*, or *Stas*, whether considered alone or in any combination. Independent claim 48, for example, recites "*executing the at least one action, the at least one action comprising i) directing an email application to retrieve and send email messages and ii) directing a voicemail application to retrieve voicemail messages.*" Support for such features may be found at least in the as-filed application at paragraph [0027] and at tables 1 and 2. Independent claim 48 also recites "*sending the user identifier to a presence database,*" "*querying the presence database for other user identifiers associated with the user identifier,*" and "*receiving presence updates identifying presence of the other user identifiers.*" Support for such features may be found at least in the as-filed application at paragraph [0077]. Independent claim 48 is reproduced below, and independent claims 58 and 68 recite similar features.

48. A method, comprising:
- wirelessly transmitting an activation signal from a presence detector;
 - in response to the activation signal, wirelessly receiving an identification signal at the presence detector, the identification signal comprising a user identifier that identifies a user associated with a transponder;
 - communicating the user identifier to a computer coupled to the presence detector;
 - querying for a user profile associated with the user identifier;
 - accessing the user profile to determine at least one action to be executed in response to the user identifier;
 - executing the at least one action, the at least one action comprising i) directing an email

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application to retrieve and send email messages and ii) directing a voicemail application to retrieve voicemail messages;

sending the user identifier to a presence database;

querying the presence database for other user identifiers associated with the user identifier; and

receiving presence updates identifying presence of the other user identifiers.

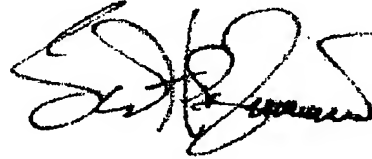
Fengut, Gutta '259, Gutta '586, and Stas are all silent to all these features. *Fengut* describes a user interface that presents a customized web page to a user. See U.S. Patent Application Publication 2002/0046099 to *Fengut, et al.* at paragraph [0026]. The user's profile is compared to an ad profile and matching ads are retrieved. See *id.* *Gutta '259* discloses a media controller that monitors audio/visual capture devices, such as a camera or microphone. U.S. Patent Application Publication 2002/0144259 to *Gutta, et al.* at paragraphs [0012] and [0013]. A user's profile stores rules that define triggering criteria. See *id.* at paragraph [0014]. When a rule is triggered, a media player controller performs an action, such as muting or adjusting volume, recording, and changing a channel. See *id.* at paragraph [0015]. *Gutta '586* discloses an entertainment system that detects users. See U.S. Patent Application Publication 2002/0194586 to *Gutta, et al.* at paragraph [0018]. When users are detected, a composite profile is created. See *id.* at paragraph [0020]. *Stas* describes a matrix that allows a supervisor (e.g., a parent) to block/allow certain channels and times of use.

Still, though, new claims 48-77 cannot be anticipated or obviated by the cited documents. *Fengut, Gutta '259, Gutta '586, and Stas* are all silent to "executing the at least one action, the at least one action comprising i) directing an email application to retrieve and send email messages and ii) directing a voicemail application to retrieve voicemail messages." *Fengut, Gutta '259, Gutta '586, and Stas* are also silent to "sending the user identifier to a presence database," "querying the presence database for other user identifiers associated with the user identifier," and "receiving presence updates identifying presence of the other user identifiers." New claims 48-77, then, cannot be anticipated or obviated by these documents.

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If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

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